

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DWAYNE SKIBBE and DEBORAH SKIBBE,

Plaintiff(s),

vs.

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9
MASTER PARTICIPATION TRUST; and LAW OFFICES
OF IRA T. NEVEL, LLC;

Defendant(s).

Case No. 16 CV 00192

**LAW OFFICE OF IRA T. NEVEL, LLC'S
INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

NOW COMES the Defendant, LAW OFFICE OF IRA T. NEVEL, LLC (hereinafter "Nevel"), by and through its attorney, Greg Elsnic, and pursuant to Fed. R. Civ. P. 26(a)(1) submits the following initial disclosures:

PRELIMINARY STATEMENT

These disclosures are based only upon the information and documents that are presently and reasonably available to and known by Nevel. It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts and add new meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional documents, further information and additional witnesses, thereby resulting in additions to, changes in, and variances from the following disclosures. With that in mind, Nevel reserves the right to supplement all of the disclosures in this document as the parties ascertain additional facts, make further analysis, complete legal research, establish contentions, or locate documents. Moreover, these disclosures are made for the purposes of this litigation only.

If any information within the scope of the attorney-client privilege or the attorney work product doctrine is inadvertently disclosed, Nevel has not done so intentionally, and reserves its right to assert those privileges at any time in these proceedings, and further reserves the right to request the return of all privileged information, including any copies or abstracts of that information. In addition, Defendant reserves all evidentiary objections and no waiver of any objections is to be implied from these disclosures. To the extent that these disclosures might arguably waive an otherwise applicable objection or claim of privilege, such waiver shall be limited to these disclosures only and shall not extend to any further discovery requests or subpoenas.

I. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION

Nevel believes that the following individuals are likely to have discoverable information that Nevel may use to support its claims or defenses in this action:

Plaintiffs, who may be contacted through their counsel of record;

Current and former employees of Nevel who performed actions in the course of representing U.S. Bank, N.A., as Trustee in the underlying foreclosure litigation;

Current and/or former custodian(s) of records of Glenn B. Stearns, the trustee of Plaintiffs' bankruptcy estate;

All witnesses otherwise needed to testify regarding the authenticity of documents;

Any and all witnesses identified through the course of discovery; and

Any and all witnesses identified by Plaintiff.

II. DOCUMENTS IN POSSESSION, CUSTODY, OR CONTROL OF DEFENDANT

Nevel's evaluation of the documents it may use in support of its claims and defenses is ongoing. Accordingly, Nevel reserves the right to supplement this disclosure if necessary. As of the date of this disclosure, Nevel identifies the following documents in its possession that it may use to support its claims and defenses:

Records of payments received by the holder of the mortgage on Plaintiffs' residence from 2011 through the present;

Copies of the complaints to foreclose the mortgage on Plaintiffs' residence, which Nevel believes are also in Plaintiffs' possession;

Copies of letters informing Plaintiffs' of a default in payments due pursuant to the terms of the mortgage on Plaintiffs' residence, which Nevel believes are in all parties' possession.

III. COMPUTATION OF ANY CATEGORY OF DAMAGES

Nevel has no pending claims against Plaintiff in this litigation. However, if it becomes apparent that Nevel has a claim against Plaintiff and such a claim is filed against Plaintiff in these proceedings, Nevel will provide Plaintiff with a computation of any claimed damages.

IV. INSURANCE

Nevel has no relevant insurance agreements as set forth in F.R.Civ.P. 26(a)(1)(A)(iv).

LAW OFFICES OF IRA T. NEVEL, LLC

/s/ Greg Elsnic
By: Gregory C. Elsnic

LAW OFFICES OF IRA T. NEVEL, LLC

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